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12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 vs.
18 JOSEPH MARCUS SILVA,
19 Defendant.

20 Case No. 1:23-cr-00163-JLT-SKO
21 **STIPULATION AND ORDER TO
22 CONTINUE STATUS CONFERENCE**

23 Date: July 31, 2024
24 Time: 1:00 p.m.
25 Judge: Hon. Sheila K. Oberto

26 IT IS HEREBY STIPULATED by and between the parties through their respective
27 counsel, Assistant United States Attorneys Karen Escobar, counsel for plaintiff, and Assistant
28 Federal Defender Reed Grantham, counsel for Joseph Silva, that the status conference currently
scheduled for June 5, 2024, at 1:00 p.m. may be continued to July 31, 2024, at 1:00 p.m.

29 The parties have reviewed the Court's May 23, 2024, Minute Order and have met and
30 conferred regarding this matter. By way of background, an Indictment issued in this case on
31 August 17, 2023. *See* Dkt. #1. Mr. Silva was then arrested and made his initial appearance on
32 August 22, 2023. *See* Dkt. #7. Accordingly, this case has been pending for approximately nine
33 months.

34 During that period of time, the government provided initial discovery, which totals 4,743
35 pages in paper discovery, as well as electronic data from multiple electronic devices. The defense
36 has reviewed this initial discovery (and remains in the process of reviewing certain parts of it)

1 and has been, and is, conducting its own investigation. Notably, since the Indictment contains ten
2 counts which allege the possession and manufacture of various devices, the defense has needed
3 to consult with a technical expert to help interpret the discovery provided.

4 During this time, the government has also extended a plea offer for consideration.
5 Counsel for the defense has discussed this offer with his client. However, Mr. Silva is currently
6 in pretrial custody at the facility in Taft, which makes in-person meetings between counsel and
7 Mr. Silva more difficult. Undersigned counsel has also informed government counsel that it is
8 anticipated that further plea discussions would be productive once counsel for the defense has
9 had sufficient time to finalize investigation and research into the relevant issues in this case.
10 Undersigned counsel anticipates the need to review the devices in this case in-person and to have
11 a further discussion with the defense expert. Once these tasks have been accomplished, it is
12 anticipated that the parties can have a meaningful discussion regarding a resolution in this
13 matter.

14 Accordingly, for all of the above reasons, it is respectfully requested that the June 5, 2024
15 status conference be continued to July 31, 2024. It is anticipated that this will provide the parties
16 with sufficient time and opportunity to engage in meaningful plea discussions. In the event that
17 the parties are not able to resolve this matter by the proposed July 31, 2024 status conference, the
18 parties understand that they should be prepared to set a trial date at that time. This requested
19 continuance will ultimately conserve time and resources for the parties and the Court. Counsel
20 for defendant believes that failure to grant the above-requested continuance would deny him the
21 reasonable time necessary to provide effective assistance to his client, taking into account the
22 exercise of due diligence. The government does not object to the continuance.

23 Based on the above-stated findings, the ends of justice served by continuing the case as
24 requested outweigh the interest of the public and the defendant in a trial within the original date
25 prescribed by the Speedy Trial Act. For the purpose of computing time under the Speedy Trial
26 Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period to July 31,
27 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
28 3161(h)(7)(B)(i), (ii) and (iv) because it results from a continuance granted by the Court at

1 defendant's request on the basis of the Court's finding that the ends of justice served by taking
2 such action outweigh the best interest of the public and the defendant in a speedy trial.

3
4 Respectfully submitted,

5 PHILLIP A. TALBERT
6 United States Attorney

7 Date: May 28, 2024

8 */s/ Karen Escobar*
9 KAREN ESCOBAR
10 Assistant United States Attorney
11 Attorney for Plaintiff

12 Date: May 28, 2024

13 */s/ Reed Grantham*
14 REED GRANTHAM
15 Assistant Federal Defender
16 Attorney for Defendant
17 JOSEPH SILVA

O R D E R

18 **IT IS SO ORDERED.** The time period to July 31, 2024, inclusive, is deemed excludable
19 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i), (ii) and (iv) because it results from
20 a continuance granted by the Court at defendant's request on the basis of the Court's finding that
21 the ends of justice served by taking such action outweigh the best interest of the public and the
22 defendant in a speedy trial. The status conference currently scheduled for June 5, 2024, at 1:00
23 p.m. is hereby continued to July 31, 2024, at 1:00 p.m. If the parties have not resolved the matter
24 by this date, the parties will be required to set a trial date at the July 31, 2024, status conference.

25
26 Date: 5/28/24

27
28 *Sheila K. Oberto*
Hon. Sheila K. Oberto
United States Magistrate Judge